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AUG 05 2003

In re Application of :
Jan et al. :
Application No. 09/902,317 : ON PETITION
Filed: 10 July, 2001 :
Attorney Docket No. IPC-110A :

OFFICE OF PETITIONS

This is a decision on the twice renewed petition filed on 25 July, 2003, under 37 CFR 1.137(a)¹ to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 10 July, 2002, for failure to timely reply to the non-final Office action mailed on 9 April, 2002, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 27 November, 2002. The petition filed on 18 December, 2002, was dismissed on 4 February, 2003. The renewed petition filed on 9 July, 2003, was dismissed on 17 July, 2003.

The application is restored to pending status.

As petitioners previously paid the petition fee on 9 July, 2003, the petition fee paid on 25 July, 2003, is unnecessary. Petitioners may request a refund by writing to the Office of

¹A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(1);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Finance, ATTN: Refund Section. A copy of this decision should accompany petitioners' request. Alternatively, petitioners may request that the \$55.00 be applied to any other fees due in this or another patent application.

The application is being forwarded to Technology Center 1700 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.



Douglas I. Wood
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Office of Petitions